IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 8413 of 1994

Between:

1. The Superintending Engineer, Department of Tribal Welfare, Circle

Office, Visakhapatnam.

2. The Executive Engineer, Department of Tribal Welfare, Paderu Division,

Paderu, Visakhapatnam.

3. The Deputy Executive Engineer, Department of Tribal Welfare, Chintapalli Sub-Division, Chintapalli.

4. The Deputy Executive Engineer, Department of Tribal Welfare,

Panchayati Raj, Koyyur Sub-Division, Visakhapatnam

..... PETITIONERS

AND

1.The Presiding Officer, Industrial Tribunal-cum-Labour Court, Visakhapatnam District

2. G.Srinivasa Rao, S/o.Sanjiva Rao, Cittupalli Village, Bondapalli, Vizianagaram District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of 'Writ of Certiorari' calling for the records pursuant to the award passed on 20.5.1993 in I.D.No.18/90 on the file of the Presiding Officer, Industrial Tribunal-cum-Labour Court, Visakhapatnam.

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WRIT PETITION NO : 7980 of 1994

Between:

1. The Superintending Engineer, Department of Tribal Welfare, Circle

Office, Visakhapatnam.

2. The Executive Engineer, Department of Tribal Welfare, Paderu Division,

Paderu, Visakhapatnam.

3. The Deputy Executive Engineer, Department of Tribal Welfare, Chintapalli Sub-Division, Chintapalli.

4. The Deputy Executive Engineer, Department of Tribal Welfare,

Panchayati Raj, Koyyur Sub-Division, Visakhapatnam

..... PETITIONERS

AND

1.The Presiding Officer, Industrial Tribunal-cum-Labour Court, Visakhapatnam District

2. S.V.R.Sarma, C/o.C.V.R.Sastry, Lalacheruvu, Rajahmundry, E.G.Dist.,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of 'Writ of Certiorari' calling for the records pursuant to the award passed on 20.5.1993 in I.D.No.348/89 on the file of the Presiding Officer, Industrial Tribunal-cum-Labour Court, Visakhapatnam.

WRIT PETITION NO :8418 of 1994

Between:

1. The Superintending Engineer, Department of Tribal Welfare, Circle

Office, Visakhapatnam.

2. The Executive Engineer, Department of Tribal Welfare, Paderu Division,

Paderu, Visakhapatnam.

3. The Deputy Executive Engineer, Department of Tribal Welfare, Chintapalli Sub-Division, Chintapalli.

4. The Deputy Executive Engineer, Department of Tribal Welfare,

Panchayati Raj, Koyyur Sub-Division, Visakhapatnam

..... PETITIONERS

AND

1.The Presiding Officer, Industrial Tribunal-cum-Labour Court, Visakhapatnam District

2. C.H.Baburao, S/o.Nukaraju, Sivapuram Street, N.D.Peta Road, Narsipatnam, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of 'Writ of Certiorari' calling for the records pursuant to the award passed on 20.5.1993 in I.D.No.356/89 on the file of the Presiding Officer, Industrial Tribunal-cum-Labour Court, Visakhapatnam.

Counsel for the Petitioners:GP FOR SOCIAL WELFARE

Counsel for the Respondent No.2: MR.A.K.JAYAPRAKASH RAO

The Court made the following :

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COMMON ORDER:

All these writ petitions are preferred by the management - Department of Tribal Welfare. The workmen concerned were terminated from service without following the provisions of Section 25 F of the Industrial Disputes Act (for short 'the Act). Aggrieved by the same, the workmen have preferred Industrial Dispute Nos.18/90,

348/89 and 356/89 before the Industrial Tribunal-cum-Labour Court, Visakhapatnam. The learned Tribunal, after considering the respective contentions held that there was violation of Section 25 F of the Act and accordingly passed awards directing reinstatement with back wages and continuity of service. Assailing the said awards, the present writ petitions have been filed.

2. The learned Counsel for the petitioners submitted that the award of the Tribunal is not sustainable in law inasmuch as the management has not violated the provisions of Section 25 F of the Act and therefore, the awards of the Tribunal are liable to be set aside.

3. I have heard the learned Counsel for the respondents and perused the award of the Tribunal.

4. The Tribunal has recorded a categorical finding that there was violation of provisions of Section 25 F of the Act and the said finding is based on the material available on record and therefore, I do not find any error apparent on the face of the record.

5. Thus, I do not find any ground to interfere with the awards of the Tribunal. Hence, the writ petitions are dismissed. No costs.

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28.10.2004

bsv

To

1. The Superintending Engineer, Department of Tribal Welfare, Circle

Office, Visakhapatnam.

2. The Executive Engineer, Department of Tribal Welfare, Paderu Division,

Paderu, Visakhapatnam.

3. The Deputy Executive Engineer, Department of Tribal Welfare, Chintapalli Sub-Division, Chintapalli.

4. The Deputy Executive Engineer, Department of Tribal Welfare, Panchayati Raj, Koyyur Sub-Division, Visakhapatnam

5. 2CD copies

6.2 CCs to the Government Pleader for Social Welfare, High Court of A.P., Hyderabad.